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11 AXA EQUITABLE LIFE INSURANCE COMPANY

12 UNITED STATES DISTRICT COURT OF CALIFORNIA  
13 SOUTHERN DIVISION

14 AXA EQUITABLE LIFE INSURANCE  
15 COMPANY,

16 Plaintiff,

17 v.

18 H. THOMAS MORAN, II, Court-  
19 Appointed Receiver of LYDIA CAPITAL,  
20 LLC, and DAWSON & OZANNE, as  
21 Trustee of the Alvin Fischbach Irrevocable  
22 Trust,

23 Defendants.

Case No. 3:08-cv-00569-BTM (BLM)

**JOINT MOTION FOR EXTENSION OF  
TIME FOR DEFENDANT H. THOMAS  
MORAN II TO ANSWER OR  
OTHERWISE RESPOND TO  
PLAINTIFF AXA EQUITABLE LIFE  
INSURANCE COMPANY'S  
COMPLAINT**

24 Plaintiff, AXA Equitable Life Insurance Company ("AXA Equitable"), and  
25 Defendant, H. Thomas Moran II, Court-Appointed Receiver of Lydia Capital, LLC ("Mr.  
26 Moran"), hereby submit this Joint Motion for Extension of Time for Defendant H.  
27 Thomas Moran II to Answer or Otherwise Respond to Plaintiff's Complaint, and in  
28 support thereof, aver as follow:

1. On March 26, 2008, AXA Equitable filed its Complaint against Mr. Moran and Dawson & Ozanne, as Trustee of the Alvin Fischbach Irrevocable Trust.
2. On or about March 26, 2008, counsel for Mr. Moran signed a Waiver of Service of

1 Summons and agreed to answer or otherwise respond to AXA Equitable's  
2 Complaint by May 27, 2008.

- 3 3. On May 1, 2008, counsel for Mr. Moran provided counsel for AXA Equitable with  
4 information in his possession relating to the underlying claims.
- 5 4. On May 9, 2008, counsel for AXA Equitable provided counsel for Mr. Moran with  
6 information in its possession relating to the underlying claims.
- 7 5. Based on the information exchanged by AXA Equitable and Mr. Moran, AXA Equitable  
8 intends to amend its Complaint within the next thirty (30) days.
- 9 6. Furthermore, in order for AXA Equitable and Mr. Moran to further evaluate the  
10 underlying claims at issue in light of their exchange of information, AXA  
11 Equitable and Mr. Moran respectfully move this Court for an extension of thirty  
12 (30) days for Mr. Moran to answer or otherwise reply to AXA Equitable's  
13 Complaint.
- 14 7. Neither AXA Equitable nor Mr. Moran have previously moved for an extension of  
15 time for Mr. Moran to answer or otherwise respond to AXA Equitable's  
16 Complaint.

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WHEREFORE, AXA Equitable Life Insurance Company and H. Thomas Moran II, Court-Appointed Receiver of Lydia Capital, LLC, respectfully request this Court grant their Joint Motion for Extension of Time for Defendant H. Thomas Moran II to Answer or Otherwise Respond to Plaintiff's Complaint.

Dated: May 23, 2008

/s/ Shannon K. Emmons

/s/ S. Fey Epling

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